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RACHEL PERILLO

August 16, 2022

By ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Malek Mohammad Balouchzehi
21 Cr. 658 (JMF)

Dear Judge Furman:

Robert Soloway and I are the attorneys for Mr. Balouchzehi, the defendant in the above-named matter. Pretrial motions in this case are currently due on August 19, 2022, with oppositions due September 2, replies due September 9, and a pretrial conference is scheduled for August 31, 2022. I write without objection from the government, by AUSA Kimberly Ravener, to respectfully request an adjournment of the current motion deadlines and pretrial conference to late February 2023. I make this request because I am currently picking a jury, and will soon be engaged in trial, in the matter of *United States v. Sayfulllo Saipov*, 17 Cr. 722 (VSB) before the Honorable Vernon S. Broderick. Therefore, additional time is needed to assess which motions should be made and, if necessary, to prepare motions on behalf of Mr. Balouchzehi.

With respect to the *Saipov* matter, this is a complex terrorism case with a death-eligible defendant. We are currently in the middle of jury selection and reviewing jury questionnaires, which should continue for the next few weeks.

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Trial will begin on October 11, 2022, and is expected to last until January 2023. I therefore request that the Court adjourn the motion deadlines and pretrial conference in the instant matter to late February 2023, after the *Saipov* trial is over.

The government requests to exclude time under the Speedy Trial Act until the next conference date set by the Court to allow me additional time in light of my trial obligations in *Saipov*. Mr. Balouchzehi consents to the exclusion of time.

If the Court has any questions regarding this application please do not hesitate to contact me.

Respectfully submitted,
/s/
David Stern

cc: AUSA Kimberly Ravener (by ECF)
AUSA Michael Lockard (by ECF)

Application DENIED. The original motion deadline in this case was February 28, 2022. That deadline has already been extended three times, most recently at the request of defense counsel, who proposed the August deadline - presumably well aware of the schedule in the *Saipov* matter. Moreover, the Defendant has two lawyers, only one of whom is counsel in *Saipov*. The bottom line is that it is high time to set a trial date in this matter and the Court is not willing to adjourn again, let alone adjourn for six months. All dates and deadlines, including the August 31, 2022 pretrial conference (at which the Court will set a trial date) remain in effect.

The Clerk of Court is directed to terminate ECF No. 24.

SO ORDERED.



August 17, 2022